



FirstNet™

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FirstNet Statutory Overview



FirstNet Summary



- FirstNet was created by the Middle Class Tax Relief and Job Creation Act of 2012 (the Act)
- FirstNet is organized as an independent authority within NTIA headed by a Board
- FirstNet is required to ensure the building, deployment, and operation of a nationwide public safety broadband network (NPSBN) based on a single, national network architecture
- FirstNet is required to consult with a variety of parties, including states, territories, tribes, and localities regarding the development of individual network plans for each state/territory
- Governors have the option to opt-in or opt-out and deploy their own radio access network (RAN) that connects to FirstNet's core network
- NTIA has awarded grants to assist States in consulting with FirstNet

Middle Class Tax Relief and Job Creation Act of 2012

Title VI – Public Safety Communications
and Electromagnetic Spectrum Auctions



The Act Creates the First Responder Network Authority, or FirstNet



- FirstNet was established by the Act as an independent authority within NTIA
 - Exempt from Paperwork Reduction Act (PRA), Administrative Procedures Act (APA), and Regulatory Flexibility Act (RFA)
- FirstNet holds a single public safety 700 MHz wireless broadband license
- FirstNet governed by a 15-Member Board
- FirstNet shall ensure the establishment of a NPSBN based on a single, national network architecture
- FirstNet shall take all actions necessary to ensure the building, deployment, and operation of the NPSBN
- FirstNet shall establish network policies and require deployment phases with substantial rural coverage milestones

- The Act grants NTIA borrowing authority not to exceed \$2B to implement Subtitle B – Governance of Public Safety Spectrum
- The Act grants NTIA borrowing authority not to exceed \$135M to implement the State and Local Implementation Grant Program (SLIGP)
- In each case, NTIA borrows the initial funds from the general fund of the Treasury prior to the deposit of auction proceeds into the Public Safety Trust Fund (PSTF)
- FirstNet is funded through proceeds of spectrum auctions through FY 2022
 - The network must be self-sustained over the long-term through user fees

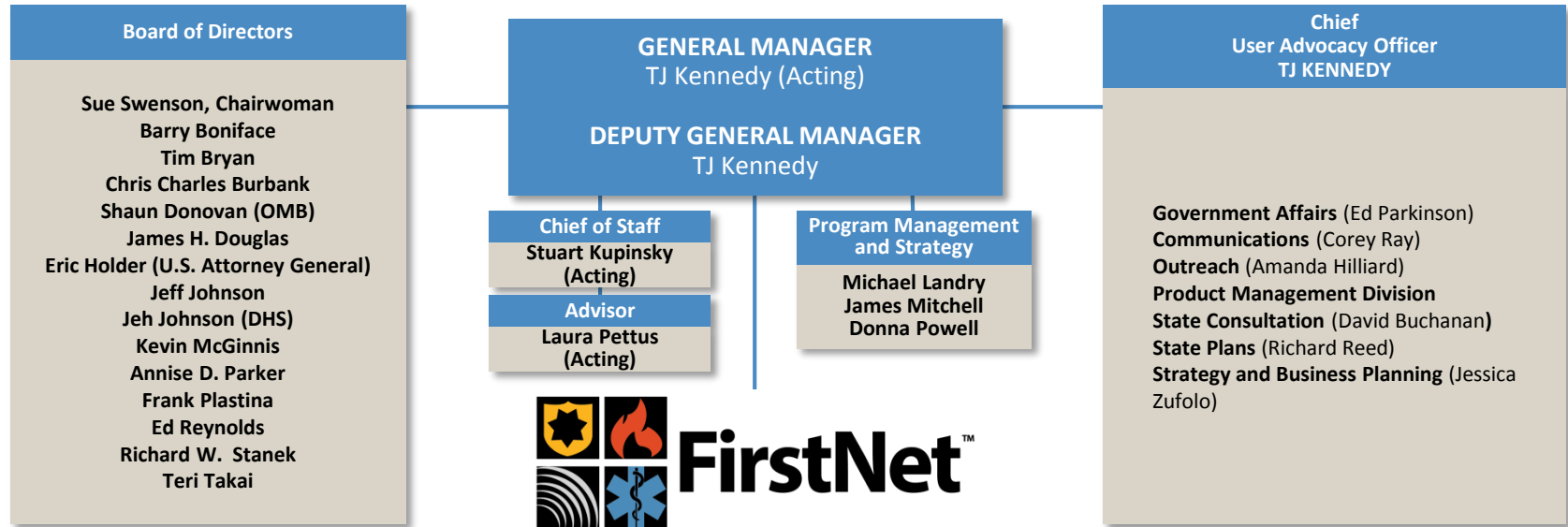
Governance: The FirstNet Board



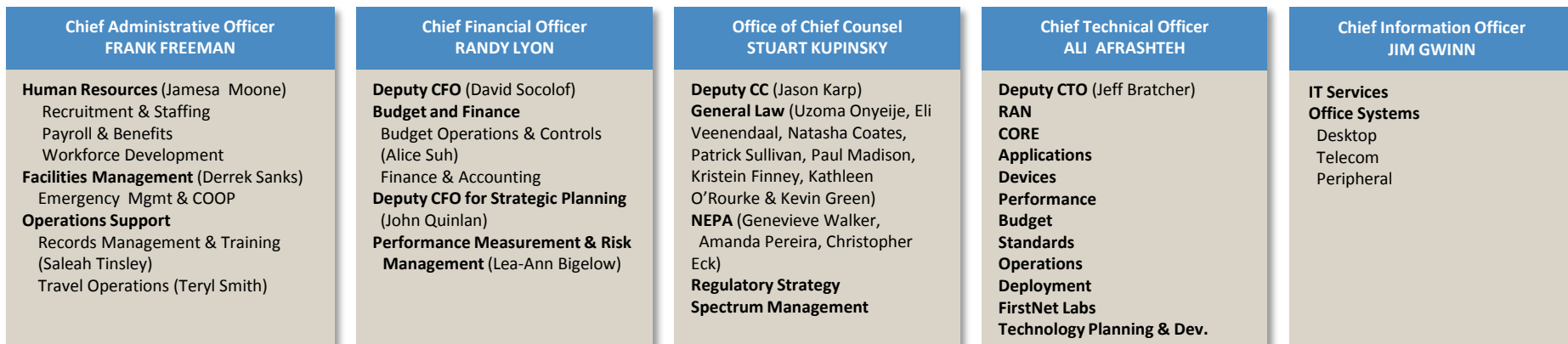
- The FirstNet Board shall consist of:
 - Secretary of Homeland Security (or designee)
 - Attorney General of United States (or designee)
 - Director of Office of Management and Budget (or designee)
 - 12 individuals to be appointed by the Secretary of Commerce
 - The appointments shall have:
 - Not fewer than 3 individuals to represent collective interests of States, localities, tribes, and territories
 - Not fewer than 3 individuals who have served as public safety professionals
- The appointments shall:
 - Seek to ensure geographic and regional representation
 - Seek to ensure rural and urban representation

- Each Board member shall have at least 1 of the following qualifications:
 - Public safety experience – Knowledge and experience in federal, state, local, or tribal public safety or emergency response
 - Technical expertise – Technical expertise and fluency regarding broadband communications, including public safety communications
 - Network expertise – Expertise in building, deploying, and operating commercial telecommunications networks
 - Financial expertise – Expertise in financing and funding telecommunications networks

FirstNet Organization w/ Appointees



FirstNet Offices and Divisions



State and Local Consultation



- FirstNet must consult with regional, state, tribal, and local jurisdictions regarding the distribution and expenditures of any amounts required to carry out certain responsibilities, including:
 - Construction of a core network and any radio access network build out
 - Placement of towers
 - Coverage areas of the network, whether at the regional, state, tribal, or local levels
 - Adequacy of hardening, security, reliability, and resiliency requirements
 - Assignment of priority to local users
 - Assignment of priority and selection of entities seeking access to or use of the nationwide interoperable NPSBN
 - Training needs of local users
- This consultation must occur through the designated single point of contact (SPOC) officer or governmental body designated by each state*

*This is not necessarily inclusive of all consultations that may be required.

State and Local Government Implementation Grant Program (SLIGP)



State and Local Implementation Grant Program (SLIGP) was created under the Middle Class Tax Relief and Job Creation Act of 2012

- SLIGP is a three-year, formula-based grant program requiring 20% matching funds
- Funding is to help recipients plan and prepare for the forthcoming nationwide Public Safety Broadband Network (PSBN)
- NTIA awarded \$116.5 million in grants to 54 states and territories; grants range from \$502K to \$5.8M
- Currently scheduled to expire between June and August 2016

State and Local Government Implementation Grant Program (SLIGP)



- Grant funds assist states and territories as they plan for the nationwide PSBN, including activities that:
 - Support planning, governance, consultation, and outreach;
 - Engage local governments, regional bodies, rural communities, and tribal nations;
 - Reach out to all public safety disciplines and other entities that may be potential users of the PSBN;
 - Update the Statewide Communications Interoperability Plan (SCIP); and
 - Fund data collection efforts as defined by FirstNet.

State Network Design and Proposal Process – Opt-In and Opt-Out



- FirstNet will conduct a Request For Proposal (RFP) process for the construction, operation, maintenance, and improvements of the NPSBN
- Upon completion of the RFP process, and following extensive state consultation, FirstNet will present the governor of each state/territory (or his/her designee) of:
 - Completion of the RFP process;
 - Details of the proposed plan for buildout of the NPSBN in the state/territory; and
 - Funding level for the state/territory
- No later than 90 days after being notified by FirstNet, each governor must choose whether his/her state/territory will:
 - Participate in the deployment of the NPSBN as proposed by FirstNet; or
 - Conduct its own deployment of a RAN in the state/territory

State Network Design and Proposal Process – Opt-In and Opt-Out



- If state/territory decides to opt out, the governor must notify FirstNet, NTIA, and the FCC
- The state/territory then has 180 days to develop and complete its own RFPs for the construction, maintenance, and operation of the RAN within the state/territory
- The state/territory shall submit an alternate plan for the construction, maintenance, and operations of the RAN within the state to the FCC and the plan must demonstrate:
 - Compliance with the minimum technical interoperability requirements
 - Interoperability with the NPSBN
- FCC shall review and either approve or disapprove the plan

State Network Design and Proposal Process – Construction Grants



- If the FCC approves the plan:
 - State/territory may apply to NTIA for a grant to construct (not operate and maintain) the RAN within the state
 - State/territory shall apply to NTIA to lease spectrum capacity from FirstNet
- In order to obtain a grant and lease, the state/territory must demonstrate:
 - Technical capability to operate, and the funding to support, the state/territory RAN
 - Ability to maintain ongoing interoperability with the NPSBN
 - Ability to complete the project within the specified comparable timelines specific to the state/territory
 - Cost-effectiveness of the state/territory plan
 - Comparable security, coverage, and quality of service to that of the FirstNet NPSBN

State Network Design and Proposal Process - FCC Disapproval



- If the FCC disapproves the plan:
 - The construction, maintenance, operation, and improvements of the network within the state/territory shall proceed in accordance with the plan proposed by FirstNet
 - U.S. District Court for the District of Columbia has exclusive jurisdiction to review the FCC's disapproval of a state/territory plan
 - If a state/territory chooses to build its own RAN, the state/territory shall pay any user fees associated with the state/territory use of elements of the FirstNet core network

Thank You



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